



Congressman Lee M. Zeldin

First Congressional District of New York

March 16, 2021

The Honorable Wynn Coggins
Acting Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Acting Secretary Coggins,

I write to you with grave concerns regarding Beijing Genomic Institute (BGI)'s proposal to build COVID-19 testing labs across the United States. COVID labs run by BGI pose a threat to the privacy of millions of Americans' health information and, therefore, U.S. national security. From threatening U.S. medical and pharmaceutical supply chains during the COVID-19 pandemic, to allegedly hacking the medical records of millions of federal employees, the People's Republic of China (PRC) has routinely targeted Americans through their health information. BGI's plan to build and operate COVID-19 labs in the U.S., giving the company access to the health records of millions of Americans, represents another attempt by Beijing to potentially compromise U.S. health security. Therefore, I urge you to counter the Chinese Communist Party's latest effort, by adding BGI and its subsidiaries to the Department of Commerce's Entity List.

The PRC seeks to acquire large healthcare datasets, including DNA, from the U.S. and nations around the world to both achieve its goal of becoming a global biotech leader and to find vulnerabilities in competitor nations. Over the years, PRC companies have used investment in U.S. firms that handle sensitive health care and other types of personal data, to obtain access to this data. BGI Group is a PRC genome sequencing company that has partnered with research and healthcare entities in America and gained access to health records and genetic data on people in the U.S.

Indeed, BGI entities are expanding their presence in the United States. Complete Genomics, which BGI acquired in 2013, has significant partnerships and operations in the United States. Like other PRC companies, BGI is required to "support, assist, and cooperate with Chinese national intelligence efforts," meaning that any data BGI acquires, including in the United States, can be transmitted to the Chinese Communist Party. Without any export controls on BGI's entire corporate network, these entities would appear to be able to gather information and data on U.S. residents and transmit it to the PRC without licensing restrictions.

BGI is illustrative of potential shortcomings in discrete entity listings. The BGI corporate network has significant partnerships with several states across the country, including agreements with provincial Public Security Bureaus and Shenzhen BGI Forensics Tech to build genetic databases. BGI affiliates also have been engaged in research collaboration with the Chinese National University of Defense Technology.¹ However, despite the interconnections between the BGI corporate network and the Party-state, the Bureau of Industry and Security has only designated Xinjiang Silk Road BGI and Beijing Liuhe BGI to the Entity List in connection with human rights abuses in the Xinjiang Uyghur Autonomous Region.² By limiting its listings only to two BGI entities, the Bureau of Industry and Security at the U.S. Department of Commerce (BIS) has no visibility into and may be allowing the diversion of U.S. technology and products through BGI's corporate network to facilitate human rights abuses.

China considers biotechnology as new domains of warfare. Access to U.S. genomic data is a serious privacy and national security risk to the U.S. According to U.S. intelligence officials, China can use DNA to improve its facial recognition technology and target individuals in foreign governments, private industries, or other sectors for potential surveillance, manipulation, or extortion.³ A massive espionage operation was uncovered in 2019 at MD Anderson's Cancer Center, where scientists were caught sending genetic data back to the Chinese Communist Party.⁴

BGI operates offices and laboratories across the globe including three offices in the United States, in Seattle, Washington, San Jose, California, and Cambridge, MA. BGI has sought influence in the U.S. through foreign investment acquisitions and partnerships. BGI already acquired U.S. companies such as Complete Genomics and has made offers to five states to build a "state of the art" COVID testing lab. We request you place all BGI subsidiaries on the Entity List to restrict its ability to acquire sensitive health data.

Sincerely,



Lee Zeldin
Member of Congress

¹ Kania, E. B. "Minds at War: China's pursuit of Military Advantage through Cognitive Science and Biotechnology." (2020, January 9) National Defense University.

https://ndupress.ndu.edu/Portals/68/Documents/prism/prism_8-3/prism_8-3_Kania_82-101.pdf

² "Commerce department Adds Eleven Chinese Entities implicated in human rights abuses in Xinjiang to the Entity List." (2020, July 20) Department of Commerce. <https://www.commerce.gov/news/press-releases/2020/07/commerce-department-adds-eleven-chinese-entities-implicated-human>

³ "China's Collection of Genomic and Other Healthcare Data from America: Risks to privacy and U.S. Economic and National Security." (2021, February) Director of National Intelligence.

https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/NCSC_China_Genomics_Fact_Sheet_2021.pdf

⁴ Zaveri, M. "Wary of Chinese Espionage, Houston Cancer Center Chose to Fire 3 Scientists." (2019, April 22) New York Times. <https://www.nytimes.com/2019/04/22/health/md-anderson-chinese-scientists.html>